

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LLOYD THOMAS BERNARD, II;
STEPHANIE CELESTE TEJADA-
OTERO,

Plaintiffs,

v.

COUNTY OF SAN JOAQUIN, et al.,

Defendants.

No. 2:21-cv-0172 JAM DB PS

ORDER TO SHOW CAUSE

Plaintiffs Lloyd Thomas Bernard and Stephanie Celeste Tejada-Otero are proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Plaintiffs commenced this action on January 28, 2021, by filing a complaint and paying the required filing fee. (ECF No. 1.) On February 19, 2021, summons for the defendants were issued. (ECF No. 3.) That same day plaintiffs were served with a letter that advised plaintiffs that Rule 4(m) of the Federal Rules of Civil Procedure provides that a defendant must be dismissed if service of the summons and complaint is not accomplished on the defendant within 90 days after the complaint was filed. (ECF No. 4.) Corrected summons were issued on April 1, 2021. (ECF No. 5.) More than 90 days have passed, plaintiffs have taken no action in this case and the docket does not reflect proof of service on, or the appearance of, any defendant.

1 In this regard, it appears that plaintiffs have failed to prosecute this action. In light of
2 plaintiffs' pro se status, and in the interests of justice, the court will provide plaintiffs with an
3 opportunity to show good cause for plaintiffs' conduct.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiffs show cause in writing within fourteen days of the date of this order as to why
6 this case should not be dismissed for lack of prosecution¹; and

7 2. Plaintiffs are cautioned that the failure to timely comply with this order may result in a
8 recommendation that this case be dismissed.

9 DATED: October 1, 2021

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

27 ¹ Alternatively, if plaintiffs no longer wish to pursue this civil action, plaintiffs may comply with
28 this order by filing a request for voluntary dismissal pursuant to Rule 41(a) of the Federal Rules
of Civil Procedure.